APPENDIX A

EVIDENCE[1]	DESCRIPTION	SIGNIFICANCE	DATE OF COMMUNICATION
Exhibit A, Meta_Kadrey_00235320	This email from Joelle Pineau says there has been some "Some positive noise from Mo [Metanat, in-house counsel] on libgen. should get more formal confirmation soon[.]"	This communication shows Meta in-house counsel's involvement in Meta's decision to use copyrighted data that it knew to be pirated. Specifically, this document shows that Meta's in-house counsel was involved in the approval process regarding whether Meta would acquire and use copyrighted works from LibGen (instead of licensing them).	October 7, 2022
Exhibit B, Meta_Kadrey_00236077*[2]	Melanie Kambadur and Guillaume Lample appear to convey communications from Meta Legal (in-house counsel). Subsequent messages respond to the redacted communications by discussing that "we are only using a fraction of libgen"	This communication shows attorney-client involvement in decision-making surrounding Meta's decision to acquire and use copyrighted data it knew to be pirated.	November 28, 2022

[1] Plaintiffs cannot know whether fully withheld documents that Meta recently identified as "inadvertently sequestered" (and thus had not logged) should also be produced under the crime-fraud exception. There are many fully withheld documents described as involving "copyright" issues, including several dated around the times (Spring 2023 and Winter 2023-2024) that Meta decided to pirate massive quantities of copyrighted works from notorious shadow libraries, including ones that have been enjoined by district courts. Those fully withheld documents are in the new privilege log that Meta said (*see* Dkt. 427) it will provide the Court, at Log Entries 1, 8, 26, 27, 197, 198, 254, and 257.

[2] Documents marked with an asterisk are partially redacted for attorney-client privilege. Plaintiffs request *in camera* review of these eight documents.

EVIDENCE[1]	DESCRIPTION	SIGNIFICANCE	DATE OF COMMUNICATION
Exhibit C, Meta_Kadrey_00232977	The following conservation is about using pirated works from the Books3 dataset: Xavier Martinet: fair use, no? Moya Chen: legal gray area Xavier Martinet: my opinion would be (in the line of "ask for forgiveness, not for permission"): we try to acquire the books and escalate it to execs so they make the call Later on the same thread, Melanie Kambadur explains, Meta's "lawyers are being a bit less conservative on approvals." Martinet responds, "There is a trade off between speed and money efficiency I suppose[.]"	This document references Meta in-house counsel's involvement in Meta's decision to obtain and use massive quantities of copyrighted material that it knew to be pirated and shows that Meta believed there was time pressure to obtain this material.	February 28, 2023

EVIDENCE[1]	DESCRIPTION	SIGNIFICANCE	DATE OF COMMUNICATION
Exhibit D, Meta_Kadrey_00232214*	This document, identified in the metadata as authored by Mo Metanat (Meta in-house counsel), covers "LLM Datasets Considerations" and contains significant redactions. It sets forth the goal of getting "as much long form writing as possible in the next 4-6 weeks," and repeatedly mentions LibGen. One comment addressed to Ahuva Goldstand, another Meta in-house counsel, says "agree with Libgen first[.]"	These redactions show Meta in-house counsel's involvement in Meta's decision to obtain and use massive quantities of copyrighted material it knew to be pirated. This document is dated approximately one week before Meta decided to pause efforts to license copyrighted works and engage in IP piracy instead.	March 31, 2023
Exhibit E, Meta_Kadrey_00235485*	In this message chain, Alex Yu solicits from colleagues a list of datasets "other than libgen" that "might be legally risky." Subsequent messages from Melanie Kambadur, which appear to convey legal advice, are redacted. This message chain also refers to "publicly available datasets," which previous documents show is used interchangeably with "pirated."[3]	These redactions show attorney-client communications in furtherance of Meta's decision to obtain and use massive quantities of copyrighted material that it knew to be pirated.	March 31, 2023

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[3] See Meta_Kadrey_00101583 (comment by Meta employee that they should "replace 'pirate' with 'external'" in their discussions).

EVIDENCE[1]	DESCRIPTION	SIGNIFICANCE	DATE OF COMMUNICATION
Exhibit F, Meta_Kadrey_00235350	Melanie Kambadur tells Angela Fan, "i heard there is something escalated to MZ re: fair use . . . and i was talking with [attorneys] ahuva, Mo, and pms like logan" "the problem is they are escalating not just how to get deals done but like whether we can use libgen or what our mitigations for IP should be" "sounds like legal should be involved . . . they are now but they weren't initially"	This document shows Meta in-house counsel's involvement in Meta's decision whether to acquire and use copyrighted works it knew to be pirated. Specifically, this exchange shows that issues involving the use of LibGen, IP mitigations, and potential fair use defenses in connection with pirating copyrighted works were discussed among in-house counsel and escalated to senior executives, including Mark Zuckerberg.	April 7, 2023
Exhibit G, Meta_Kadrey_00233325 & 00233326	In this message chain, Todor Miyalov shares with Melanie Kambadur a screenshot of a google search asking "Is Libgen legal?" The attachment shows that Google's answer was, "Libgen is not legal." Kambadur responds that "we suspect that some of our competitors are using it" and "we want to understand better performance/legal tradeoffs in using it as well as alternatives we could license[.]"	This document shows that Meta employees were aware that using LibGen was illegal and pushed to use it anyway.	April 14, 2023

EVIDENCE[1]	DESCRIPTION	SIGNIFICANCE	DATE OF COMMUNICATION
Exhibit H, Meta_Kadrey_00235448*	The message thread shows Melanie Kambadur relaying redacted information from "legal" about LibGen and contains discussion of the same. Later on, Todor Mihaylov makes recommendations "based on my friends experience in torrenting books" and then says, "it would not be trivial to download libgen if everything is in torrents." He sends a link to a Quora page asking, ***"What is the probability of getting arrested for using torrents in the USA?"***	These redactions show attorney-client communications in furtherance of Meta's acquisition and use of pirated datasets. This document is dated approximately two weeks after Meta decided to pause its efforts to license copyrighted works (and pirate them instead), and likely evidences communication of that decision. It also shows that Meta employees were plainly aware of the legal risks—including possible criminal penalties—of torrenting pirated works.	April 20, 2023
Exhibit I, Meta_Kadrey_00235460*	This message thread discusses the need to put the "trade-off" "in front of Zuck[.]" It also mentions "a lot of risks…from a legal perspective" and "IP/PII mitigations[.]" The document contains redactions after the phrase, "work w/ legal to . . ."	These redactions show attorney-client communications in furtherance of Meta's use of a "risk[y]," "low hanging fruit option" implicating its IP mitigations.	May 10, 2023

EVIDENCE[1]	DESCRIPTION	SIGNIFICANCE	DATE OF COMMUNICATION
Exhibit J, Meta_Kadrey_00235319	In this message thread discussing the use of LibGen, a Meta employee explains to another "i have told Melanie the details in a/c priv thread with lawyers[.]"	This document shows that Meta employees were aware that using LibGen was illegal and raised significant legal risks; and that non-legal employees attempted to conceal certain communications by using "a/c priv" threads involving lawyers.	September 6, 2023
Exhibit K, Meta_Kadrey_00235739*	This document discusses the technical use of LibGen by Meta, including that Meta employees only attempted to remove works with titles such as "stolen," "pirated," and "pirated copy of some silly title – torrent leak.pdf[.]" After several redacted messages, a message reads "we are not sure how much training data we added into training that instructs the model to avoid generating copyrighted material. We are evaluating for copyright infringements. . . . Let us know if you want to flag this to legal."	This document shows that Meta employees were aware that using pirated datasets was illegal and raised significant legal risks, and that Meta attempted to conceal the use of pirated works by instructing its LLM to avoid generating copyrighted material it pirated.	September 7, 2023

EVIDENCE[1]	DESCRIPTION	SIGNIFICANCE	DATE OF COMMUNICATION
Exhibit L, Meta_Kadrey_00232249*	This email chain discusses LibGen approval after escalation to Mark Zuckerberg. One Meta employee adds in-house counsel to the thread, explaining he is "CCing other members of policy and legal so we can get started on acquiring the dataset[.]" The "Legal Risks" section (from "Legal") of the memo is entirely redacted. Subsequently, Joelle Pineau and Mo Metanat (in-house counsel) exchange emails about the LibGen approval memo. All emails between Joelle Pineau and Mo Metanat are redacted.	These redactions show attorney-client communications in furtherance of Meta's decision to use copyrighted data it knew to be pirated. Specifically, this document shows that Meta's attorneys were actively involved in the decision to use LibGen following escalation of the decision to, and approval by, Mark Zuckerberg.	January 3, 2024
Exhibit M, Meta_Kadrey_00234862*	In this message chain involving text data licensing efforts, a Meta employee discussing "controversial" data suggests that "a lawyer somewhere just died a little inside 😂" Numerous subsequent chat messages are redacted.	These redactions show attorney-client communications in furtherance of Meta's decision to obtain and use "controversial data" for its LLM.	March 13, 2024